

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

DWAYNE BOWENS,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 12-13-07
DATE FILED: 12-13-07

07 Cr. 376 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Defendant, through his counsel (see attached letter), requests that the conference scheduled for December 14, 2007 2:00 p.m. be adjourned. The Government joins in this request for adjournment. The next conference in this matter shall be held on January 11, 2008 at 11:30 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until January 11, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
13 December 2007



Victor Marrero
U.S.D.J.

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December 12, 2007

BY FACSIMILE: 212-805-6382

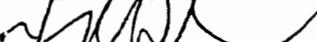
Hon. Victor Marrero
 U.S. District Judge
 United States Courthouse
 500 Pearl Street
 New York, NY 10007

Re: United States v. Dwayne Bowens
 07 Cr. 376 (VM)

Dear Judge Marrero:

As this Court is aware, I represent Dwayne Bowens in the above related matter scheduled for a conference on December 14, 2007 at 2:00 p.m. With the Government's consent, I am requesting an adjournment of the conference in order to finalize my submissions to the Government related to disposition. Moreover, I am scheduled to start a trial on December 13, 2007 in the case of *People v. Otmar Delaney*, 06-6720, currently pending in New York County Supreme Court. The parties are requesting that the conference be adjourned to January 11, 2008. The Defendant and Government consent that the Court exclude time under the Speedy Trial Act. Such exclusion of time would best serve the ends of justice and outweigh the best interests of the public and the Defendant in a speedy trial because it will provide defense counsel additional time to review discovery, continue investigations and prepare an adequate defense.

Respectfully submitted,



Xavier R. Donaldson, Esq.

cc: A.U.S.A. Lee Renzin
 212-637-2527 (facsimile)